

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

08/02/2002

CLERK OF THE COURT
FORM L000

HONORABLE MICHAEL D. JONES

P. M. Espinoza
Deputy

LC 2002-000162

FILED: _____

JEFF STAFFORD

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1129 E JOY RANCH RD
DESERT HILLS AZ 85086-0000

v.

STATE OF ARIZONA

ESTEBAN J GOMEZ

DISPOSITION CLERK-CSC
PHX CITY MUNICIPAL COURT
REMAND DESK CR-CCC

MINUTE ENTRY

PHOENIX CITY COURT

Cit. No. 8708413

Charge: CONTRACTING WITHOUT A LICENSE

DOB: 01/13/70

DOC: 08/06/99

This Court has jurisdiction of this appeal pursuant to the Arizona Constitution Article VI, Section 16, and A.R.S. Section 12-124(A), and A.R.S. Section 13-4032.

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The State has filed a timely Notice of Appeal from the trial court's order denying Restitution. The trial court concluded that restitution could be ordered in a case of contracting without a license only where the State proved that the Defendant had represented himself to be a licensed contractor, or had led the victims to conclude, on a good-faith basis, that the Defendant was a licensed contractor. The trial court has narrowly construed the Arizona Supreme Court's opinion in State v. Wilkinson¹. Admittedly, the Defendant/Real Party in Interest, John Porter, from the Wilkinson case did represent himself to be a licensed contractor. However, this Court concludes that the trial judge's interpretation of the Wilkinson decision too is narrow and restrictive. The trial court erred in denying restitution based upon the Wilkinson decision.

IT IS THEREFORE ORDERED reversing the decision of the trial court denying restitution in this case.

IT IS FURTHER ORDERED remanding this matter back to the Phoenix City Court for a restitution hearing to consider "whether particular criminal conduct (in this case) directly caused the victim's loss"², and for all future and further proceedings.

¹ 202 Ariz. 27, 39 P.3d 1131 (2002).

² Id., 202 Ariz. At 30, 39 P.3d at 1134.